

The applicants have amended the specification on page 51 line 34 by adding the text "(surface fill factor)" after the text "surface contact area" in order to clarify that the term "surface fill factor" used in claims 107 and 108 and quoted in the application in the summary on page 15 lines 23, 26 and 29 is used with the same meaning as the term "surface contact area" in the description. The applicants have attached an amended paragraph with the amendment.

Regarding claims 113 to 115, the applicants respectfully disagree. The term "axially dense" in claim 113 clearly means the density of extensions in the axial direction, wherein the axis is the elongated body from which the extensions radially extend to form spikes as shown for example in Fig. 2C. The use of axial density is clearly described on page 50 line 20 to page 51 line 3 regarding Figs. 6T-6V. As described in the text Figs. 6T-6V illustrate a spread layout of spikes on a spacer that is expanded, axially slit, flattened and viewed from above. Fig. 6V illustrates a spike distribution in which the axial spike density varies as a function of the axial location (page 50 line 33).

CLAIM REJECTIONS - 35 USC §102

The Examiner states that claims 1-4, 6-8, 10, 12-16, 19-30, 46, 48, 51-55, 57, 58, 60-62, 66, 68-70, 72, 80, 92, 93, 95, 103, 106-112 and 122-124 are rejected under 35 USC 102(b) as being anticipated by Kuslich (US 5,059,193). The applicants respectfully disagree. The Examiner has not shown a prima facie case of anticipation since claim 1, at least, has the limitation "said plurality of slits defining at least two axially displaced extensions" (e.g. as shown in Fig. 1A by 28). In contrast Kuslich describes a plurality of ribs that all must have a same axial position in order to prevent the spacer from buckling.

CLAIM REJECTIONS - 35 USC § 103

The Examiner states that claims 5, 9, 11, 17, 18, 31-44, 45, 47, 49, 50, 56, 59, 63-65, 67, 71, 73-79, 81-91, 94, 96-102, 104, 105, 116, 117, 118, 119, 120, 121 are rejected under 35 USC 103(a) as being obvious over Kuslich (US 5,059,193) in view of additional art quoted by the Examiner.

The applicants respectfully disagree. The Examiner has not shown a prima facie case of obviousness since, as described above, Kuslich lacks elements of claim 1 and the Examiner has not provided art which in combination with Kuslich shows all the elements of the claims.